



FARMERS BRANCH

ORDINANCE NUMBER 2963

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS BY GRANTING A SPECIFIC USE PERMIT TO ALLOW COLLOCATION OF SIX (6) ADDITIONAL CELLULAR ANTENNA PANELS TO BE MOUNTED AT A HEIGHT OF 50 FEET ON THE EXISTING MONOPOLE TOWER; AND THE ADDITION OF FOUR (4) ASSOCIATED EQUIPMENT CABINETS AT THE BASE OF THE MONOPOLE TOWER LOCATED ON AN APPROXIMATELY 4.84-ACRE TRACT AT 2900 JOSEY LANE, WITHIN THE PLANNED DEVELOPMENT NUMBER 8 (LR-1) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter and Code of Ordinances of the City of Farmers Branch, and State law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow collocation of six (6) additional cellular antenna panels to be mounted at a height of 50 feet on the existing monopole tower located within the existing tower lease area (Exhibit "A"); and the addition of four (4) associated equipment cabinets at the base of the monopole tower within a 100 square-foot lease area (Exhibit "B") located on an approximately 4.84 acre tract at 2900 Valley View Lane (Exhibit "C") within the Planned Development Number 8 (LR-1) zoning district.

SECTION 3. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended by the granting of a Specific Use Permit to allow collocation of six (6) additional cellular antenna panels to be mounted at a height of 50 feet on the existing monopole tower located within the existing tower lease area (Exhibit "A"); and the addition of four (4) associated equipment cabinets at the base of the monopole tower within a 100 square-foot lease area (Exhibit "B") situated in accordance with the lease areas (Exhibit "A" and Exhibit "B") and the approved site plan attached as Exhibit "D" and subject to the following conditions:

1. That the six additional antennas be installed in a "close-mount" configuration, limiting their projection from the monopole to approximately eighteen (18) inches.
2. That the empty antenna mount platform be removed before issuance of a Certificate of Occupancy for the proposed monopole extension and antenna system addition.
3. That American Tower Corporation or subsequent owner of the telecommunications monopole shall remove any remaining wireless communications antennas, associated equipment, and all appurtenances within ninety (90) days subsequent to such time that the monopole becomes obsolete and the use is abandoned.
4. That the monopole tower and all appurtenances on it shall be painted the same color, minimizing its appearance.

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two thousand (\$2,000.00) dollars for each offense.

SECTION 6. In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

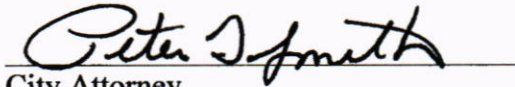
SECTION 7. This ordinance shall take effect immediately from and after its passage, as the law in such case provides.

Duly passed by the City Council of the City of Farmers Branch, Texas, on this the 18th day of March, 2008.

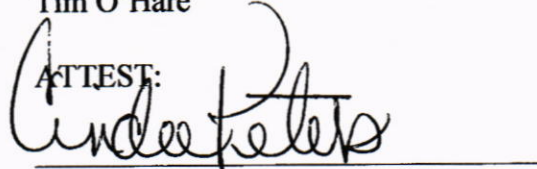
APPROVED: 

Mayor
Tim O'Hare

APPROVED AS TO FORM:



City Attorney
(Reviewed by Atty. K. Laughlin of Nichols,
Jackson, Dillard, Hager & Smith, L.L.P., 11/09)

ATTEST: 

City Secretary
Cindee Peters

Exhibit "A" (Tower Lease Area)

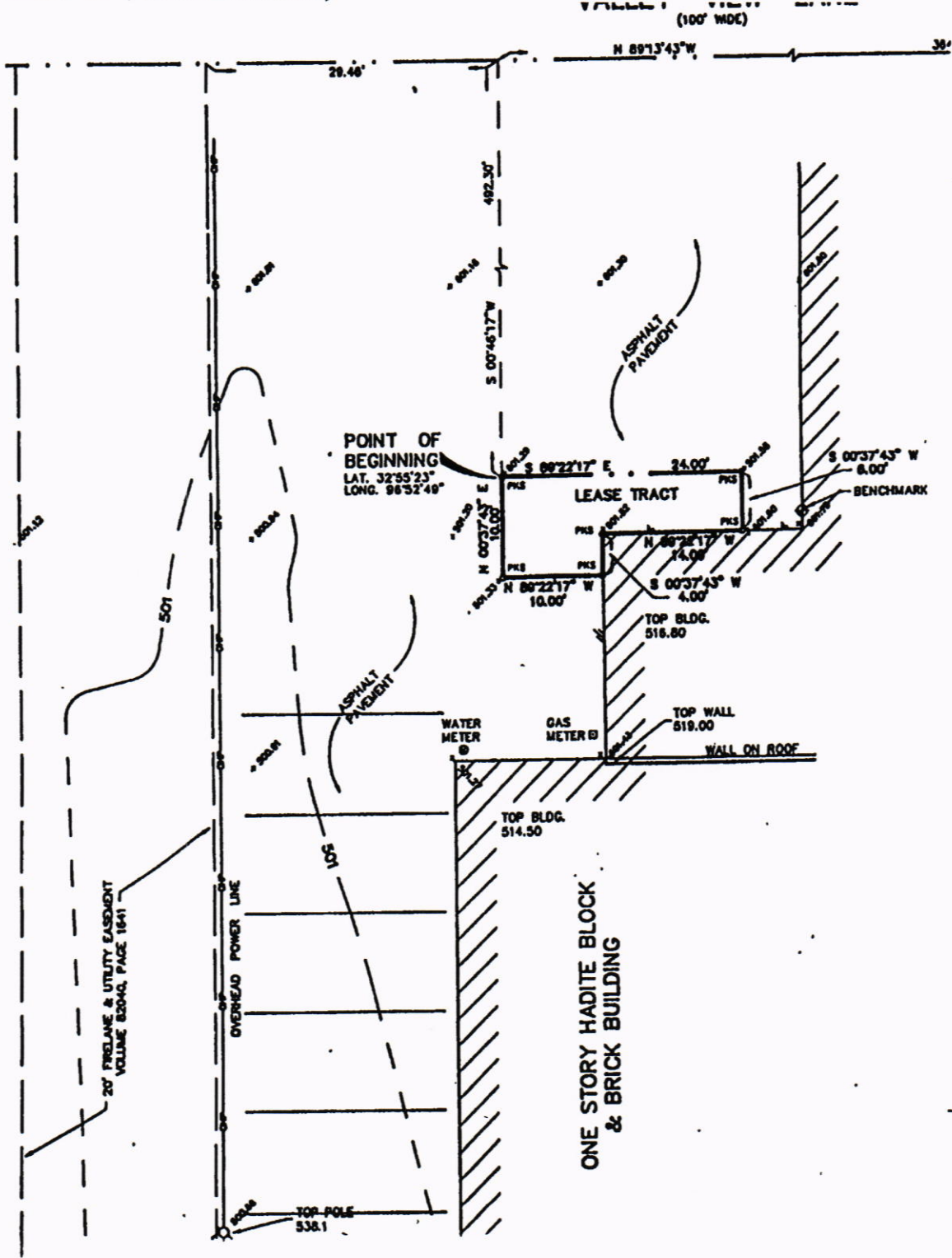


Exhibit "B" (Equipment Cabinet Lease Area)

LEASE AREA

BEING a tract of land situated in the Isaac B. Webb Survey, Abstract No. 1574, City of Farmers Branch, Dallas County, Texas, same being out of and a portion of that certain tract of land conveyed to Josey-Vol Shopping Center, Inc. by Special Warranty Deed dated February 10, 1984, and recorded in Volume 84029, Page 3754, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the northeast corner of said Josey-Vol tract, same being the intersection of the south right-of-way line of Valley View Lane (100' right-of-way) with the west right-of-way line of Josey Lane (100' right-of-way);

THENCE along the south right-of-way line of Valley View Lane, South 88 degrees 53 minutes 38 seconds West (Deed - South 88 degrees 40 minutes West), a distance of 402.00 feet to a Point, same being the northwest corner of said Josey-Vol tract, also being the northeast corner of that certain tract of land conveyed to Farmers Branch Shopping Center Joint Venture by Volume 82040, Page 1841, Deed Records, Dallas County, Texas;

THENCE along the west line of said Josey-Vol tract, same being the east line of said Farmers Branch Shopping Center tract, South 00 degrees 03 minutes 22 seconds East (Deed - South 00 degrees 23 minutes East), a distance of 517.87 feet to a Point;

THENCE through the interior of said Josey-Vol tract the following two (2) courses:

1. North 88 degrees 52 minutes 27 seconds East, a distance of 48.13 feet to a Point;
2. North 00 degrees 07 minutes 33 seconds West, a distance of 8.99 feet to the POINT OF BEGINNING hereof;

THENCE continuing through the interior of said Josey-Vol tract the following four (4) courses:

1. South 88 degrees 52 minutes 27 seconds West, a distance of 20.00 feet to a Point;
2. North 00 degrees 07 minutes 33 seconds West, a distance of 8.00 feet to a Point;
3. North 88 degrees 52 minutes 27 seconds East, a distance of 20.00 feet to a Point;
4. South 00 degrees 07 minutes 33 seconds East, a distance of 5.00 feet to the POINT OF BEGINNING hereof and containing 0.0023 acres or 100 square feet of land, more or less.

Exhibit "C" (Parent Property-2900 Valley View Lane-Legal Description)

PARENT TRACT

BEING A TRACT OF LAND SITUATED ISAAC B. WEBB SURVEY, ABSTRACT NO. 1574, CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS, AND BEING A PART OF A 12.18 ACRE TRACT OF LAND CONVEYED TO WYNEMA H. GANZER BY HARPER INVESTMENT CO., INC., A TEXAS CORPORATION, AS RECORDED IN VOLUME 79018, PAGE 2038, DALLAS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT OF LAND, SAID POINT BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF VALLEY VIEW LANE (A 100.0 FOOT RIGHT-OF-WAY) AND JOSEY LANE (A 100.0 FOOT RIGHT-OF-WAY) (FORMERLY NAMED DENNIS ROAD), AN IRON ROD FOR CORNER;

THENCE SOUTH 07° 23' WEST WITH THE WEST LINE OF JOSEY LANE, A DISTANCE OF 520.10 FEET TO A POINT FOR CORNER;

THENCE NORTH 89° 40' WEST, A DISTANCE OF 389.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 07° 23' WEST, A DISTANCE OF 139.90 FEET TO A POINT FOR CORNER;

THENCE-NORTH 89° 40' WEST, A DISTANCE OF 13.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 07° 23' EAST, A DISTANCE OF 680.00 FEET TO A POINT IN THE SOUTH LINE OF THE AFOREMENTIONED VALLEY VIEW LANE, A POINT FOR CORNER;

THENCE SOUTH 89° 40' EAST, A DISTANCE OF 402.00 FEET ALONG THE SOUTH LINE OF VALLEY VIEW LANE TO THE PLACE OF BEGINNING AND CONTAINING 210,899 SQUARE FEET OR 4.842 ACRES OF LAND, MORE OR LESS.

[illegible]

Exhibit “D”—Site Plan (Overall Site Plan Sheet, C-1)

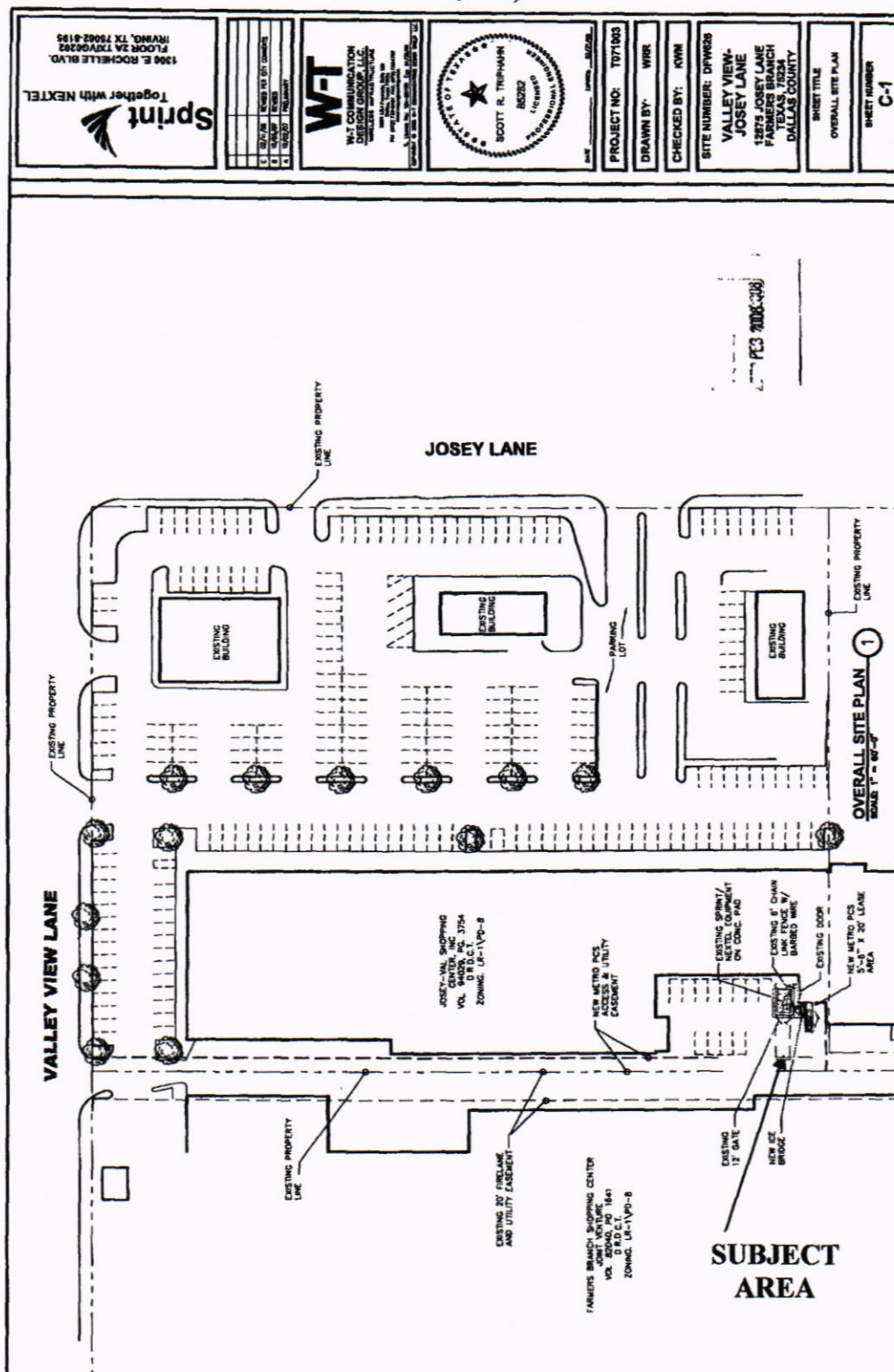


Exhibit "D"—Site Plan (Enlarged Site Plan Sheet, C-2)

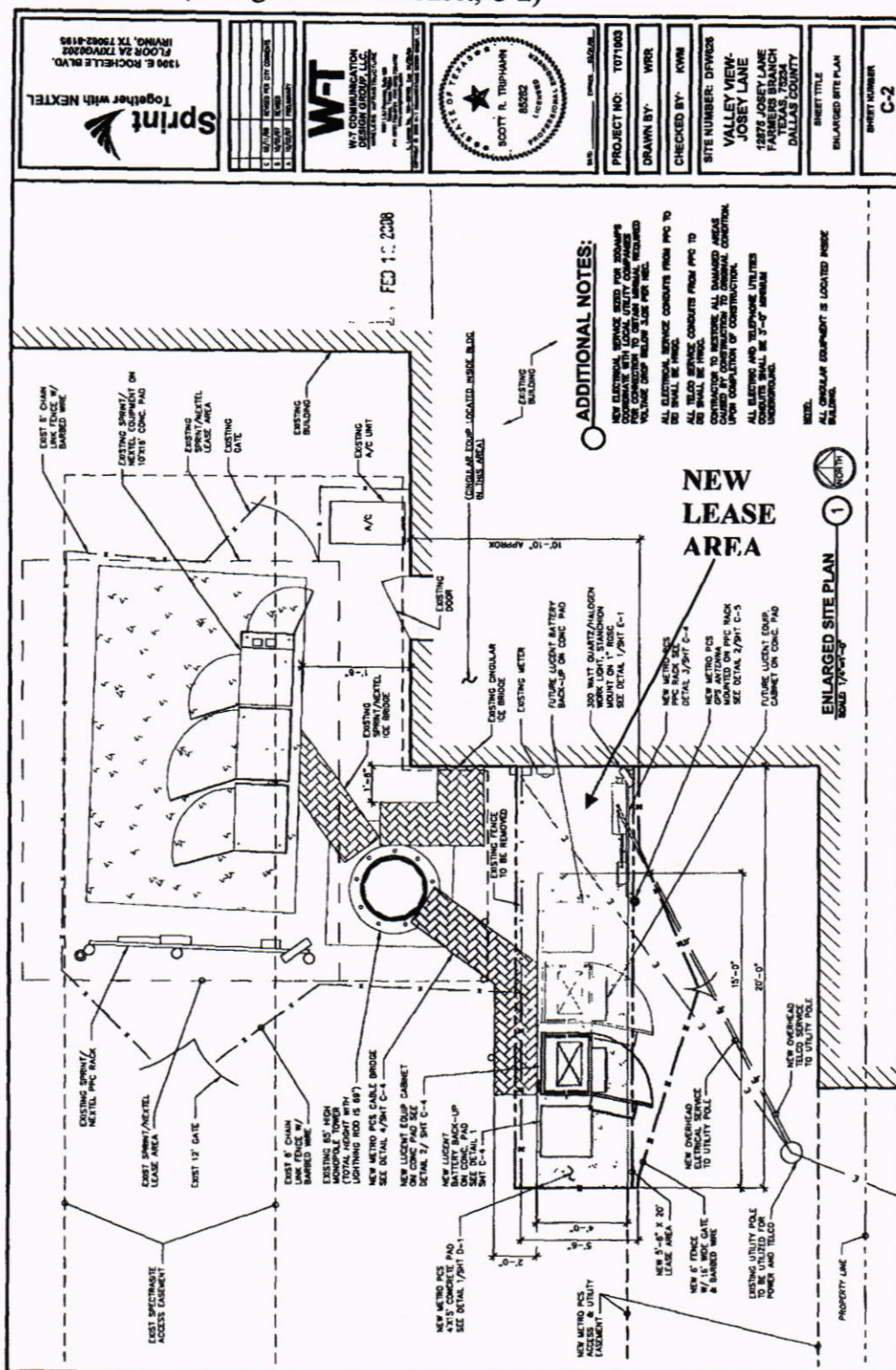


Exhibit "D"—Site Plan (Elevation/Antenna Schedule Sheet, C-3)

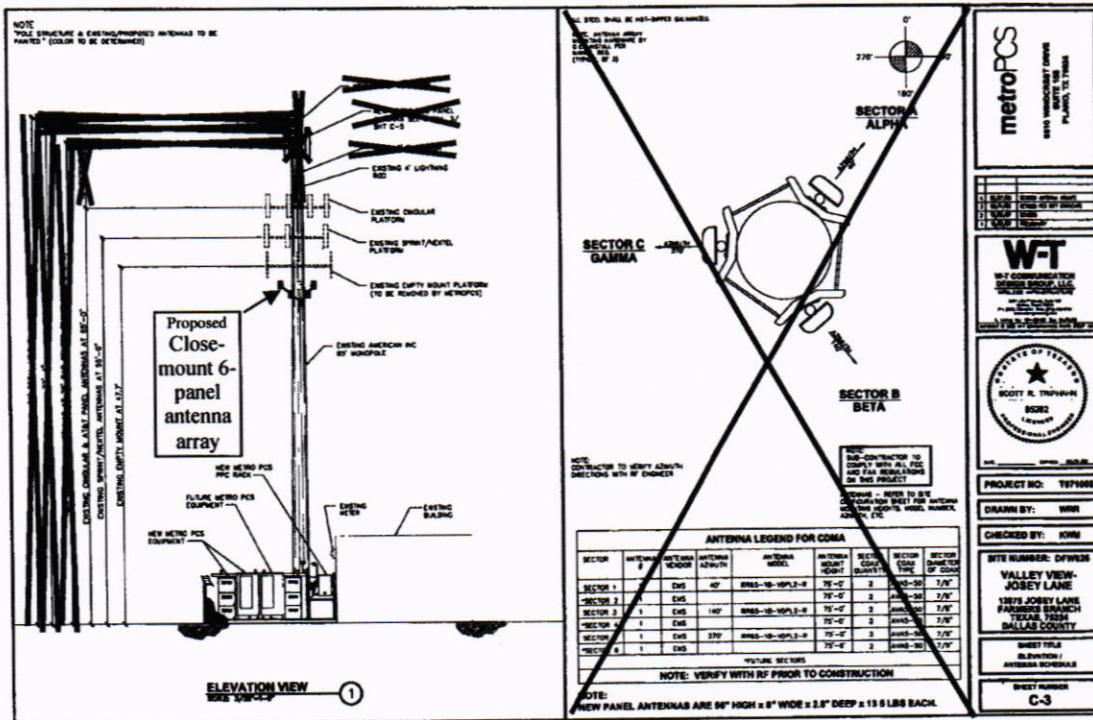


Exhibit "D"—Site Plan (Equipment Details Sheet, C-4)

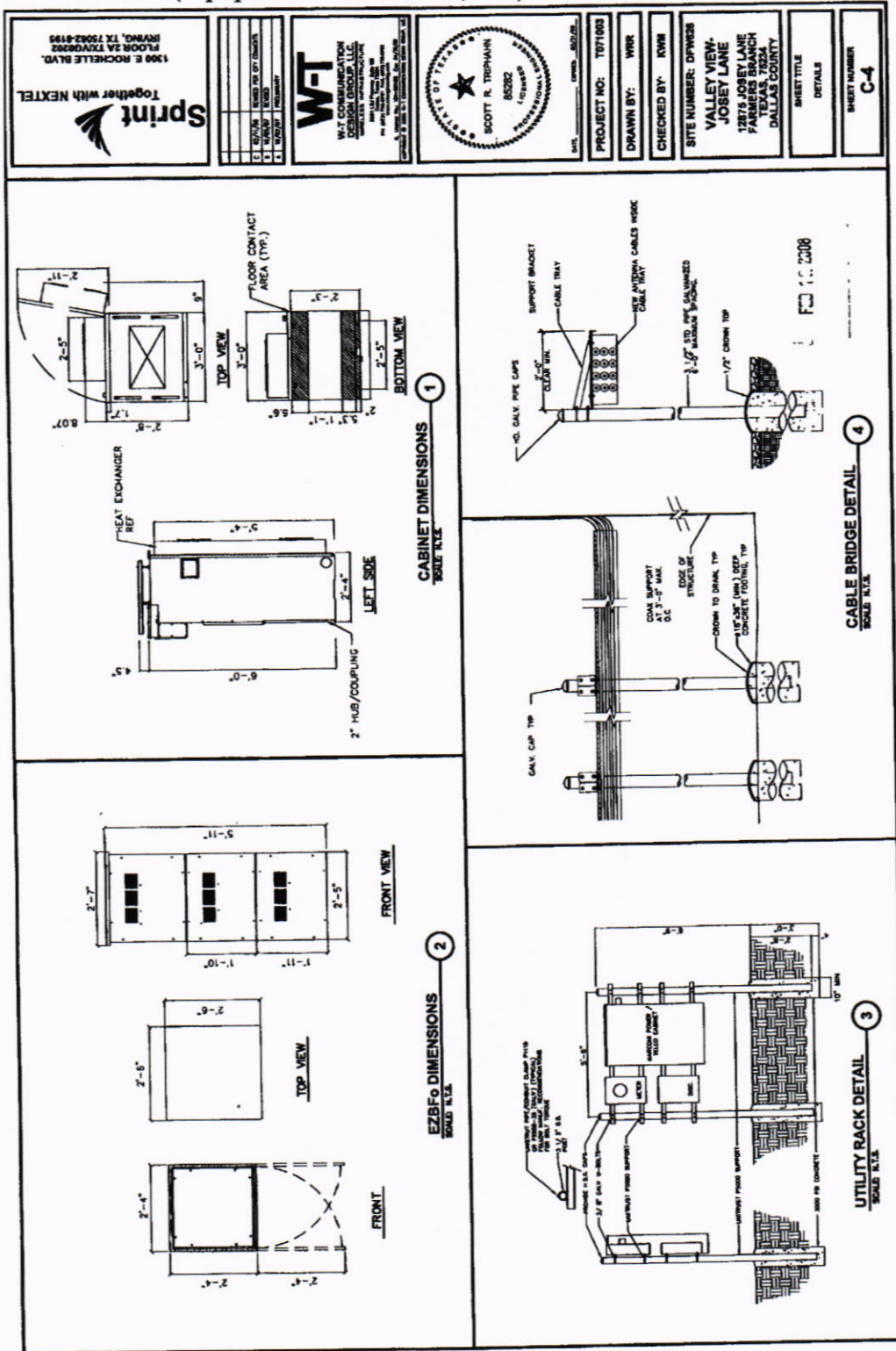


Exhibit “D”—Site Plan (Equipment Details Sheet, C-5)

